

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE NUTRASWEET COMPANY,)
)
 Plaintiff,)
)
 v.) C.A. No. 05-318 (SLR)
)
AJINOMOTO CO., INC.,)
)
 Defendant.)
)

DECLARATION OF DAVID F. WENTZEL

1. My name is David F. Wentzel. I am a partner in the law firm of McDermott Will & Emery LLP. I am admitted as a member of the bar before the Supreme Court of Illinois, and have been admitted *pro hac vice* in this Court for purposes of representing The NutraSweet Company in the above-captioned lawsuit.

2. In early June 2005, I had a telephone conversation with Ajinomoto's litigation counsel, Matthew Slater. Mr. Slater contacted me to request an extension of time to file a response to NutraSweet's complaint. During that telephone conversation, Mr. Slater indicated to me that Ajinomoto intended to move for dismissal because it did not believe that this case presented a sufficient case or controversy.

3. On June 13, 2005, in response to that telephone conversation, I sent Mr. Slater a letter, a copy of which is attached as Exhibit A. In that letter, I sought Ajinomoto's position as to whether the conduct alleged in NutraSweet's complaint constituted a breach of the May 25, 2000 Release and License Agreement between Ajinomoto and NutraSweet. In return for Ajinomoto's written confirmation that such

conduct did not constitute a breach of the Release and License Agreement, I offered to voluntarily dismiss the above-captioned lawsuit.

4. To date, I have not received a response to my June 13, 2005 letter from Ajinomoto or its counsel.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 11, 2005

/s/ David F. Wentzel

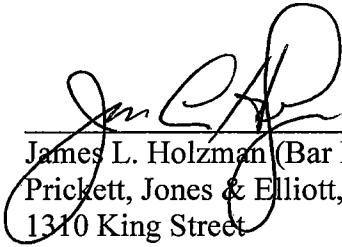
David F. Wentzel

CHI99 4494064-1.058468.0018

CERTIFICATE OF SERVICE

I, James L. Holzman, hereby certify that on July 11, 2005, I electronically filed the foregoing **DECLARATION OF DAVID F. WENTZEL** with the Clerk of the Court using CM/ECF, which is available for viewing and downloading, and which will send notification of such filing to the following counsel of record:

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